

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CASE NO.: 3: 99CR00217-002 (PG)

RAFAEL ORTEGA-REY

* * * * *

MOTION REQUESTING THE ISSUANCE OF A WARRANT

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, JOSE A. FIGUEROA, U.S. PROBATION OFFICER of this Court, presenting an official report upon the conduct and attitude of releasee, Rafael Ortega-Rey, who on June 27, 2000, was sentenced to an aggregate imprisonment term of fifty-one (51) months to be followed by an aggregate four (4) year supervised release term, after he plead guilty of violating Title 21, *U.S. Code*, Section 846 and Title 18, *U.S. Code*, Section 1956(h). A special monetary assessment in the amount of \$200.00 dollars was also imposed. As a special condition, the Court ordered that the offender submit to urinalyses, provide access to financial information upon request and file income tax return as required by law. On June 13, 2003, a Motion for Some Disposition was filed requesting that the offender's supervision conditions be modified to include a substance abuse treatment condition. The same was granted on August 19, 2003.

The offender has once again violated the conditions of his supervision as follows:

- 1) **STANDARD CONDITION NO. 2: “ The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month”.**

The offender has failed to report to scheduled office appointments for February 15, and 18 and March 22, 2005. No Monthly Supervision Reports have been submitted since July 2004.

- 2) **SPECIAL CONDITION: “The defendant shall participate in a substance abuse treatment program arranged and approved by the U.S. Probation Office until duly discharged by authorized program personnel with the approval of the U.S. Probation Officer, and submit to urinalyses whenever required to do so by the treatment program or the U.S. Probation Officer”.**

On May 21, 2004, the offender was referred to a drug treatment counseling program after testing positive to marijuana. Subsequently, on December 15, 2004, he was once again referred to treatment after being discharged from a program as a result of his non-compliance with scheduled appointments.

On March 18, 2005, the offender was once again discharged from treatment by the contract provide since he failed to report to his scheduled appointments.

WHEREFORE, I declare under the penalty of perjury that the foregoing is true and correct. Unless ruled otherwise it is respectfully requested, that a warrant for the offender's arrest be issued so that he may be brought before this court to show cause why his

supervised release term should not be revoked. Thereupon, that he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 20th day of April 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Jose A. Figueroa
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CERTIFICATE OF SERVICE

I HEREBY certify that on April 20, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Timothy R. Henwood, Assistant United States Attorney and Gabriel Hernández, Esq.

In San Juan, Puerto Rico, this 20th day of April 2005.

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